



PATENT
ATTORNEY DOCKET NO. 0231/0314
00167/368001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: DiPoto et al.
Reissue Serial No.: 09/447,228
Reissue Filing Date: November 22, 1999
Title: SUTURE ANCHOR AND DRIVE ASSEMBLY

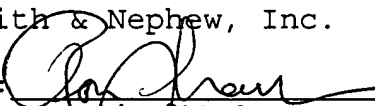
Assistant Commissioner for Patents
Washington, DC 20231

OFFER TO SURRENDER

The undersigned, Smith & Nephew, Inc., being an assignee of the above-referenced U.S. Patent No. 5,690,676 as set forth in the CONSENT OF ASSIGNEE filed herewith, and Russell F. Warren hereby offer to surrender said Patent 5,690,676, the original of which is enclosed, and further request that Letters Patent be reissued upon the foregoing amended application.

Smith & Nephew, Inc.

Date: 2/16/00

By: 
Name: RON SPARKS
Title: PRESIDENT

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Russell F. Warren

Residence and Post

Office Address: 121 Bedford Road, Greenwich, Connecticut
06831

Citizenship: U.S.A.

Date: _____

376190.B11



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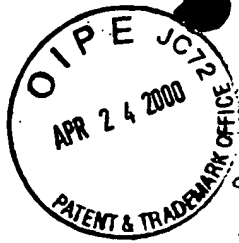
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Russell F. Warren

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Office Address: 121 Bedford Road, Greenwich, Connecticut
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Citizenship: U.S.A.

Date: 1/27/00

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DECLARATION PURSUANT TO 37 C.F.R. §1.175

We, Gene Philip DiPoto, Jeffrey C. Cerier, Russell F. Warren, Gerard S. Carlozzi, Paul DiCarlo, James W. Dwyer and Alan Attridge Small, declare that we believe that we are the original and first inventors of the subject matter that is described and claimed in United States Patent No. 5,690,676 for which we solicit a reissue patent; that we have reviewed and understand the contents of the above identified reissue application, including its specification and claims; that we acknowledge the duty to disclose all information of which we are aware that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations (CFR), §1.56(a); that the aforesaid patent is partly inoperative by reason of claiming less than we had the right to claim in the patent; and that said inoperativeness is a result of error that arose inadvertently and without any deceptive intention.

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Chief Patent Counsel
Smith & Nephew North America
1450 Brooks Road
Memphis, TN 38116

Please address all telephone calls to:

Phyllis K. Kristal
(617) 542-5070

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Residence and Post

Office Address: 23 Crockett Road, Milford, Massachusetts
01757

Citizenship: U.S.A.

Date: 1/29/2000

Jeffrey C. Cerier

Residence and Post

Office Address: 11 Orchard Street, Franklin, Massachusetts
02030

Citizenship: U.S.A.

Date: _____

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Gerard S. Carlozzi

Residence and Post 1421 WEST WOODBANK WY, WEST CHESTER, PA
Office Address: ~~79 Tilden Road, Weymouth, Massachusetts 02109~~ 19380
Citizenship: U.S.A.

Date: Feb. 22, 2000

Paul DiCarlo

Residence and Post
Office Address: 23 Sophie Lane, E. Falmouth, Massachusetts
02536
Citizenship: U.S.A.

Date: _____

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Office Address: 107 Obtuse Road So., Brookfield, Connecticut
06804

Citizenship: U.S.A.

Date: 2/21/00

Alan Attridge Small
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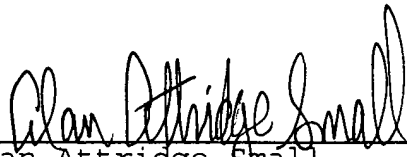
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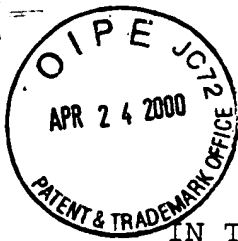
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : DiPoto et al.
Patent No.: 5,690,676
Serial No.: 509,966
Issued : November 25, 1997
Filed : August 1, 1995
Title : SUTURE ANCHOR AND DRIVE ASSEMBLY

Assistant Commissioner for Patents
Washington, DC 20231

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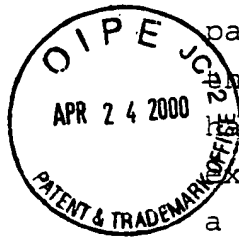
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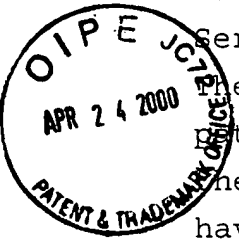
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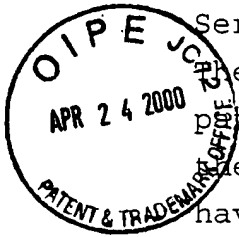
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Phyllis K. Kristal
(617) 542-5070

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may

Gerard S. Carlozzi

Residence and Post

Office Address: 79 Tilden Road, Weymouth, Massachusetts 02109

Citizenship: U.S.A.

Date: _____

Paul DiCarlo

Residence and Post

Office Address: 23 Sophie Lane, E. Falmouth, Massachusetts
02536

Citizenship: U.S.A.

Date: _____

James W. Dwyer

Residence and Post

Office Address: 107 Obtuse Road So., Brookfield, Connecticut
06804

Citizenship: U.S.A.

Date: _____

Alan Attridge Small

Residence and Post

Office Address: 131 Richdale Road, Needham, Massachusetts
02194

Citizenship: U.S.A.

Date: _____

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3

PATENT
ATTORNEY DOCKET NO. 0231/0314
00167/368001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: DiPoto et al.
Reissue Serial No.: 09/447,228
Reissue Filing Date: November 22, 1999
Title: SUTURE ANCHOR AND DRIVE ASSEMBLY

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION PURSUANT TO 37 C.F.R. §1.175

We, Gene Philip DiPoto, Jeffrey C. Cerier, Russell F. Warren, Gerard S. Carlozzi, Paul DiCarlo, James W. Dwyer and Alan Attridge Small, declare that we believe that we are the original and first inventors of the subject matter that is described and claimed in United States Patent No. 5,690,676 for which we solicit a reissue patent; that we have reviewed and understand the contents of the above identified reissue application, including its specification and claims; that we acknowledge the duty to disclose all information of which we are aware that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations (CFR), §1.56(a); that the aforesaid patent is partly inoperative by reason of claiming less than we had the right to claim in the patent; and that said inoperativeness is a result of error that arose inadvertently and without any deceptive intention.

The 5,690,676 patent claims less than we had a right to claim, in that the specification of the issued patent discloses an invention that is broader than what is claimed. One error relied upon as the basis of this reissue application was that of

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originally filing claims directed to subject matter that was narrower than we had a right to claim in the application (U.S. Serial Number 08/091,092) that issued as the 5,690,676 patent. The originally filed claims were (and the claims of the 5,690,676 patent are) directed to an anchor and driver assembly; whereas the specification more broadly describes, for example, an anchor having a rigid body defining a generally transverse opening extending through the body for receiving suture, the body having a non-helically extending exterior enlargement for engaging the bone upon insertion to resist withdrawal of the anchor from the bone (as claimed in reissue claim 19). (Patents 5,100,417 and 5,258,016, from which the current reissue application claims priority, also do not claim the invention this broadly.) This error and any and all other errors being corrected in the reissue application arose without deceptive intention.

Please address communications to:

Joel R. Petrow, Esq.
Chief Patent Counsel
Smith & Nephew North America
1450 Brooks Road
Memphis, TN 38116

Please address all telephone calls to:

Phyllis K. Kristal
(617) 542-5070

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may

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Residence and Post

Office Address: 79 Tilden Road, Weymouth, Massachusetts 02109

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Citizenship: U.S.A.

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Citizenship: U.S.A.

Date: _____

Alan Attridge Small

Residence and Post

Office Address: 131 Richdale Road, Needham, Massachusetts
02194

Citizenship: U.S.A.

Date: _____

376190.B11

jeopardize the validity of this application or any patents issued thereon.

Gene Philip DiPoto

Residence and Post

Office Address: 23 Crockett Road, Milford, Massachusetts
01757

Citizenship: U.S.A.

Date: _____

Jeffrey C. Cerier

Residence and Post

Office Address: 11 Orchard Street, Franklin, Massachusetts
02030

Citizenship: U.S.A.

Date: _____

Russell F. Warren

Residence and Post

Office Address: 121 Bedford Road, Greenwich, Connecticut
06831

Citizenship: U.S.A.

Date: _____

Gerard S. Carlotzzi

Residence and Post

Office Address: 79 Tilden Road, Weymouth, Massachusetts 02109

Citizenship: U.S.A.

Date: _____

Paul DiCarlo

Residence and Post

Office Address: 23 Sophie Lane, E. Falmouth, Massachusetts
02536

Citizenship: U.S.A.

Date: _____



PATENT
ATTORNEY DOCKET NO. 0231/0314
00167/368001

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: DiPoto et al.
Reissue Serial No.: 09/447,228
Reissue Filing Date: November 22, 1999
Title: SUTURE ANCHOR AND DRIVE ASSEMBLY

Assistant Commissioner for Patents
Washington, DC 20231

CONSENT OF ASSIGNEE

The undersigned, Smith & Nephew, Inc., being an assignee of the above-referenced U.S. Patent No. 5,690,676 by virtue of the following chain of title (copies of which are attached):

an assignment from Gene Philip DiPoto, Jeffrey C. Cerier, Gerard S. Carlozzi, Paul DiCarlo, James W. Dwyer and Alan Attridge Small (all inventors except Russell F. Warren), to American Cyanamid Co. recorded on May 14, 1992, at Reel 6122, Frame 0993;

an assignment from American Cyanamid Co. to Acufex Microsurgical, Inc. recorded on September 23, 1996, at Reel 8133, Frame 0690; and

a merger of Acufex Microsurgical, Inc. into Smith & Nephew, Inc. recorded on September 2, 1997, at Reel 8693, Frame 0261,

"EXPRESS MAIL" Mailing Label Number _____

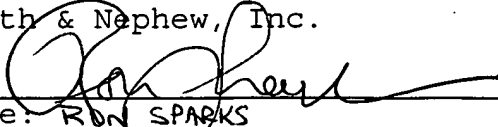
Date of Deposit _____

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hereby consents to the accompanying reissue application.

Smith & Nephew, Inc.

Date: 2/16/00

By: 
Name: RON SPARKS
Title: PRESIDENT

376190.B11





Substitute Form PTO-1595

09-25-1996

Attorney Docket No.: **RECEIVED**

FRONT SHEET

SEP 23 1996

Commissioner of Patents and Trademarks



100280169

Serial document:

RECEIPT ACTING DIV.

1. Name of conveying party(ies):
American Cyanamid Company

Additional name(s) attached? Yes No

2. Name and address of receiving party(ies):
Acufex Microsurgical, Inc.
130 Forbes Boulevard
Mansfield, MA 02048

*M. RD.
9-23-96*

Additional names/addresses attached? Yes No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other:

Execution Date:

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is:

A. Patent Appln. No.:	Filed:	B. Patent No.(s):
552,815	7/16/90	4,781,183
509,966	8/1/95	5,076,431
326,989	10/21/94	4,433,687
525,496	9/8/95	Des. 288,361
479,240	6/7/95	4,712,545
541,394	10/10/95	Des. 289,437
502,103	7/13/95	4,655,752
366,514	12/30/94	Des. 276,649
29/048,825	1/2/96	Des. 286,567
29/048,824	1/2/96	Des. 286,438
097,694	7/27/93	Des. 289,330
068,938	5/26/93	4,669,473
29/014,348	10/19/93	5,059,201
075,983	6/11/93	5,258,015
365,651	12/29/94	5,139,499
248,988	5/25/94	5,423,819
463,457	6/5/95	5,139,520
29/027,074	8/12/94	5,374,269
028,696	9/20/94	5,041,129
		5,269,809
		5,037,422
		5,224,946
		5,236,445
		Des. 332,141
		Des. 330,591
		Des. 331,464
		Des. 331,463
		Des. 332,492
		Des. 331,626
		5,180,388
		5,100,417

chg fees

Date of Deposit September 18, 1996

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

[Signature]



5,258,016
5,152,790
5,163,940
5,192,287
5,364,400
5,366,477
5,306,301
Des. 360,687
Des. 359,355
Des. 360,688
Des. 356,154

Additional numbers attached? Yes No

5. Name/address of party to whom correspondence concerning document should be mailed:

Peter J. Devlin, Esq.
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

6. Total number of applications/patents involved: **61**

7. Total fee (37 CFR 3.41):

- Enclosed
 Authorized to charge deposit account

8. Deposit account number: **06-1050**

If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.

DO NOT USE THIS SPACE

9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.*

Peter J. Devlin

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 12

PATENT ASSIGNMENT

WHEREAS, American Cyanamid Company (hereinafter referred to as "ASSIGNOR"), has invented, acquired or otherwise owns certain inventions relating to surgical apparatus for which applications for Letters Patent have been filed and granted as set forth on the attached Schedule A; and

WHEREAS, ASSIGNOR wishes to assign such inventions to Acufex Microsurgical, Inc., (hereinafter referred to as "ASSIGNEE"), and ASSIGNEE wishes to accept the assignment of such inventions;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that ASSIGNOR hereby assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said inventions, the applications for Letters Patent, and the Letters Patent set forth above on the attached Schedule A, and any and all continuations, continuations-in-part, divisionals, re-examinations or reissues of said Letters Patent for the full term thereof, this assignment including Assignor's entire right to bring suit for past infringement of said Letters Patent and to recover damages from any said past infringement, and to assert any claim, action, or cause of action that may have arisen prior to the date of this assignment or thereafter under said Letters Patent.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said inventions and said Letters Patent as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to maintain and enforce said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof.

Egon E. Berg

Name: Egon E. Berg
Title: Assistant Secretary

STATE OF NEW JERSEY)
 :SS:
COUNTY OF MORRIS)

On this 17th day of May, 1996, before me personally appeared Egon E. Berg, to me know and known to me to be Assistant Secretary of American Cyanamid Company who executed the foregoing instrument, and he acknowledged to me that he executed the same.

Claire Brueno

Notary Public

CLAIRE BRUENO

Notary Public, State of New Jersey

PATENT No. 2010245

Commission Expires April 3, 2001

REEL: 8153 FRAME: 0692

SCHEDULE A

Docket No:	AM-30049				
Title:	Surgical Prosthesis				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,781,183	11/1/88
	Australia			599413	11/27/90
	Belgium			EP258692	6/15/94
	Canada			1263791	12/5/89
	Denmark			169278	10/3/94
	EPC			EP258692	6/15/94
	Finland	873700	8/26/87		
	France			EP258692	6/15/94
	Great Britain			EP258692	6/15/94
	Germany			P3750061.9-08	6/15/94
	Israel			83538	3/29/92
	Italy			27573BE/94	6/15/94
	Japan	210359	8/26/87		
	Korea	9363/1987	8/26/87		
	Netherlands			EP258692	6/15/94
	Norway			172169	6/16/93
	South Africa			87/6366	4/27/88
	Spain			EP258692	6/15/94
	Sweden			EP258692	6/15/94
	Switzerland			EP258692	6/15/94
	Taiwan			NT-40542	11/16/90
Docket No:	AM-31147				
Title:	Direct Dispensing Package				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,076,431	12/31/91
Docket No:	AM-31463				
Title:	Microsurgical Scissors				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,433,687	2/28/84
Docket No:	AM-31465				
Title:	Handle for Surgical Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Dec. 288,361	2/17/87
Docket No:	AM-31466-01				
Title:	Surgical Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,712,545	12/15/87
Docket No:	AM-31467				
Title:	Combined Handle and Shank for Surgical Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Dec. 289,437	4/21/87
Docket No:	AM-31468-01				
Title:	Surgical Cannula				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,655,711	4/7/87
Docket No:	AM-31469				
Title:	Surgical Cannula				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Dec. 276,649	12/4/84

Docket No.:	AM-31470				
Title:	Surgical Trocar				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 286,567	11/4/86
Docket No.:	AM-31471				
Title:	Surgical Obturator				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 286,438	10/28/86
Docket No.:	AM-31474				
Title:	Handle for Surgical Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 289,330	4/14/87
Docket No.:	AM-31483				
Title:	Surgical Fastener				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,669,473	6/2/87
	Australia			593582	6/6/90
	Belgium			EP236427	8/4/93
	Canada			1259874	9/26/89
	EPC			EP236427	8/4/93
	France			EP236427	8/4/93
	Great Britain			EP236427	8/4/93
	Germany			P3688839.7-08	8/4/93
	Italy			EP236427	8/4/93
	Japan			1804598	11/26/93
	Netherlands			EP236427	8/4/93
	PCT	US86/01748	8/22/86		
	Sweden			EP236427	8/4/93
	Switzerland			EP236427	8/4/93
Docket No.:	AM-31490-02				
Title:	Suture Threading, Stitching and Wrapping Device for Use in Open and Closed Surgical Procedures				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5059201	10/22/91
Docket No.:	AM-31491				
Title:	Locking Filament Caps				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,258,015	11/2/93
Docket No.:	AM-31514-01				
Title:	Screw and Driver				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,139,499	8/18/92
Docket No.:	AM-31514-02				
Title:	Screw and Driver				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,423,819	6/13/95
Docket No.:	AM-31521				
Title:	Method for ACL Reconstruction				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,139,520	8/18/92

Docket No.: AM-31521-01
 Title: Method and Instrument for ACL Reconstruction

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,374,269	12/20/94

Docket No.: AM-31523
 Title: Slotted Suture Anchor and Method of Anchoring a Suture

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,041,129	8/20/91
Australia			65346	2/10/95
Canada	2046010	6/28/91		
Denmark			EP464480	3/29/95
EPC			EP464480	3/29/95
France			EP464480	3/29/95
Great Britain			EP464480	3/29/95
Germany			EP464480	3/29/95
Greece			EP464480	3/29/95
Japan	184027/91	6/28/91		
Korea	11105/01	7/1/91		
Luxembourg			EP464480	3/29/95
Taiwan			NI-56833	6/21/92

Docket No.: AM-31523-01
 Title: Locking Mechanism for Use with a Slotted Suture Anchor

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,269,809	12/14/93

Docket No.: AM-31524
 Title: Bone Anchor and Method of Anchoring a Suture to a Bone

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,037,422	8/6/91
Australia	79498/91	7/1/91		
Austria			EP464479	3/1/95
Belgium			EP464479	3/1/95
Canada	2045903-4	6/28/91		
Denmark			EP464479	3/1/95
EPC			EP464479	3/1/95
France			EP464479	3/1/95
Great Britain			EP464479	3/1/95
Germany			EP464479	3/1/95
Greece			EP464479	3/1/95
Italy			EP464479	3/1/95
Japan	184007/91	6/28/91		
Korea	11104/1991	7/1/91		
Luxembourg			EP464479	3/1/95
Netherlands			EP464479	3/1/95
Spain			EP464479	3/1/95
Sweden			EP464479	3/1/95
Switzerland			EP464479	3/1/95

Docket No.: AM-31524-01
 Title: Bone Anchor and Method of Anchoring a Suture to a Bone

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,224,946	7/6/93

Docket No.: AM-31524-02
 Title: Expandable Bone Anchor and Method of Anchoring a Suture to a Bone

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,236,445	8/17/93

Docket No.:	AM-31525				
Title:	Tibial Aimer				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 332,141	12/29/92
Docket No.:	AM-31526				
Title:	Suture Anchor Driver				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 330,591	10/27/92
Docket No.:	AM-31527				
Title:	Cannulated Drill				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 331,464	12/1/92
Docket No.:	AM-31528				
Title:	Suture Anchor Peg				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 331,463	12/1/92
Docket No.:	AM-31530				
Title:	Bone Drill Bit for Bone Fasteners				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 332,492	1/12/93
Docket No.:	AM-31531				
Title:	Bone Anchor				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 331,626	12/8/92
Docket No.:	AM-31532**				
Title:	Method and Instruments for ACL Reconstruction				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	552815	7/16/90		

**Status Being Determined - File Not Available in St. Louis

Docket No.:	AM-31533				
Title:	Bone Pinning System				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,180,388	1/19/93
	Australia	79388/91	6/27/91		
	Austria	91110021.2	6/19/91		
	Belgium	91110021.2	6/19/91		
	Canada	2045772-4	6/26/91		
	Denmark	91110021.2	6/19/91		
	EPC	91110021.2	6/19/91		
	France	91110021.2	6/19/91		
	Great Britain	91110021.2	6/19/91		
	Germany	91110021.2	6/19/91		
	Greece	91110021.2	6/19/91		
	Italy	91110021.2	6/19/91		
	Japan	181598/91	6/27/91		
	Korea	10806/1991	6/27/91		
	Luxembourg	91110021.2	6/16/91		
	Netherlands	91110021.2	6/16/91		
	Spain	91110021.2	6/16/91		
	Sweden	91110021.2	6/16/91		
	Switzerland	91110021.2	6/16/91		

Docket No.:	AM-31534				
Title:	Suture Anchor and Driver Assembly				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,100,417	3/31/92
	Australia	80406/91	7/12/91		
	Austria	91110405.7	6/24/91		
	Belgium	91110405.7	6/24/91		
	Canada	2046849.1	7/11/91		
	Denmark	91110405.7	6/24/91		
	EPC	91110405.7	6/24/91		
	France	91110405.7	6/24/91		
	Great Britain	91110405.7	6/24/91		
	Germany	91110405.7	6/24/91		
	Greece	91110405.7	6/24/91		
	Italy	91110405.7	6/24/91		
	Japan	196043/91	7/11/91		
	Korea	11907/1991	7/12/91		
	Luxembourg	91110405.7	6/24/91		
	Netherlands	91110405.7	6/24/91		
	Spain	91110405.7	6/24/91		
	Sweden	91110405.7	6/24/91		
	Switzerland	91110405.7	6/24/91		
Docket No.:	AM-31534-02				
Title:	Suture Anchor and Driver Assembly				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,258,016	11/2/93
Docket No.:	AM-31534-03				
Title:	Suture Anchor and Driver Assembly				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	509,966	8/1/95		
Docket No.:	AM-31640				
Title:	Ligament Reconstruction Graft Anchor Apparatus				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,152,790	10/6/92
Docket No.:	AM-31641				
Title:	Surgical Drill Guide for Tibia				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,163,940	11/17/92
Docket No.:	AM-31642				
Title:	Suture Knot Tying Device				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,192,287	3/9/93
Docket No.:	AM-31697				
Title:	Polymeric Screws and Coatings for Surgical Uses				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	Australia	36186/93	2/12/93		
	Austria	93905044.9	2/12/93		
	Belgium	93905044.9	2/12/93		
	Canada	2130083	2/12/93		
	Denmark	93905044.9	2/12/93		
	EPC	93905044.9	2/12/93		
	Finland	943731	2/12/93		
	France	93905044.9	2/12/93		
	Great Britain	93905044.9	2/12/93		
	Germany	93905044.9	2/12/93		
	Ireland	93905044.9	2/12/93		

Italy	93905044.9	2/12/93
Japan	514304/93	8/15/94
Luxembourg	93905044.9	2/12/93
Monaco	93905044.9	2/12/93
Netherlands	93905044.9	2/12/93
PCT	US93/01284	2/12/93
Portugal	93905044.9	2/12/93
Spain	93905044.9	2/12/93
Sweden	93905044.9	2/12/93
Switzerland	93905044.9	2/12/93

Docket No.: AM-31697-01
 Title: Interference Implant

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,364,400	11/15/94

Docket No.: AM-31740
 Title: Actuating Forces Transmission Link and Assembly for Use in Surgical Instruments

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US			5,366,477	11/22/94
Australia	27075/92	10/15/92		
Austria	92115817.6	9/16/92		
Belgium	92115817.6	9/16/92		
Canada	2080659.1	10/15/92		
EPC	92115817.6	9/16/92		
France	92115817.6	9/16/92		
Great Britain	92115817.6	9/16/92		
Germany	92115817.6	9/16/92		
Greece	92115817.6	9/16/92		
Ireland	92115817.6	9/16/92		
Italy	92115817.6	9/16/92		
Japan	300628/92	10/14/92		
Korea	19079/1992	10/16/92		
Luxembourg	92115817.6	9/16/92		
Mexico	925868	10/13/92		
Netherlands	92115817.6	9/16/92		
Poland	P-296 257	10/27/92		
Portugal	92115817.6	9/16/92		
South Africa			92/8019	6/30/93
Spain	92115817.6	9/16/92		
Sweden	92115817.6	9/16/92		
Switzerland	92115817.6	9/16/92		
Taiwan	81109179	11/17/92		
Venezuela	296/93	3/4/93		

Docket No.: AM-31740-01
 Title: Actuating Forces Transmission Link and Assembly for Use in Surgical Instruments

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US	326989	10/21/94		

Docket No.: AM-31782
 Title: Surgical Fastener with Selectively Coated Ridges

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US	525,496	9/8/93		

Docket No.: AM-31797
 Title: Suture Securing Device and Method

<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
US	479,240	6/7/93		
Australia	50726/93	11/16/93		
Austria	93116614.4	10/14/93		
Belgium	93116614.4	10/14/93		

Canada	2103092	11/15/93
Denmark	93116614.4	10/14/93
EPC	93116614.4	10/14/93
France	93116614.4	10/14/93
Great Britain	93116614.4	10/14/93
Germany	93116614.4	10/14/93
Greece	93116614.4	10/14/93
Ireland	93116614.4	10/14/93
Italy	93116614.4	10/14/93
Japan	304605/93	11/11/93
Korea	24342/1993	11/16/93
Luxembourg	93116614.4	10/14/93
Mexico	937150	11/16/93
Netherlands	93116614.4	10/14/93
Poland	P301057	12/24/93
Portugal	93116614.4	10/14/93
South Africa		
Spain	93116614.4	10/14/93
Sweden	93116614.4	10/14/93
Switzerland	93116614.4	10/14/93
Taiwan	82110930	12/24/93
Venezuela	116/94	1/27/94

93/8549

9/28/94

Docket No:	AM-31878-00				
Title:	Graft Attachment Device and Method of Using Same				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			5,306,301	4/26/94
Docket No:	AM-31878-01				
Title:	Graft Attachment Device and Method of Using Same				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	541394	10/10/95		
Docket No:	AM-31896-00				
Title:	Adjustable Implant Holder Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	502103	7/13/95		
Docket No:	AM-31896-01				
Title:	Adjustable Implant Holder Instrument				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	JS	366514	12/30/94		
Docket No:	AM-32043-00				
Title:	A Combined Proximal End and Shaft of a Surgical Suture Slotted Knot Pusher				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 360,687	7/25/95
Docket No:	AM-32043-01				
Title:	A Combined Proximal End and Shaft of a Surgical Suture Slotted Knot Pusher				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	29/048,825	1/2/96		
Docket No:	AM-32044-00				
Title:	A Surgical Suture Knot Pusher with Hooks				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 355,355	6/13/95
Docket No:	AM-32044-01				
Title:	A Surgical Suture Knot Pusher with Hooks				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	29/048,824	1/2/96		

Docket No:	AM-32045				
Title:	A Combined Proximal End and Shaft of a Low Profile Surgical Suture Knot Pusher				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 360,688	7/25/95
Docket No:	AM-32046				
Title:	Bar Suture Anchor				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			Des. 356,154	3/7/95
Docket No:	AM-32071				
Title:	Suture Securing Apparatus				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	97694	7/27/93		
	Australia	50732/93	11/17/93		
Docket No:	AM-32079				
Title:	Protective Carrier Device for Suture Anchor				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	68938	5/28/93		
Docket No:	AM-32112				
Title:	Fluted Surgical Passing Pin				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	14348 (Des)	10/19/93		
Docket No:	AM-32130				
Title:	Polygonal Bone Punch				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	75983	6/11/93		
Docket No:	AM-32332				
Title:	Suture Manipulating Instrument with Grasper Members				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	365651	12/29/94		
	PCT	US95/17035	12/28/95		
Docket No:	AM-32382-00				
Title:	Vertebral Fusion System with Expandable Anchor				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	248988	5/25/94		
Docket No:	AM-32382-01				
Title:	Vertebral Fusion System with Expandable Anchor				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	08/463457	6/5/95		
Docket No:	AM-32419				
Title:	Asymmetric Single Portal Cannula				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	27074 (Des)	8/12/94		
Docket No:	AM-32420				
Title:	Threaded Screw Cannula				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US	28696	9/20/94		

Docket No:	AM-32421				
Title:	Packaged, Disiccated Surgical Elements				
	<u>Country</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Issue Date</u>
	US			4,135,622	1/23/99

EEB
5/17/96

Docket No:

~~Title: Synthetic Polyester Surgical Articles~~
~~Country: US~~ ~~Serial No.~~ ~~Filing Date~~ ~~Patent No. 4,243,775~~ ~~Issue Date 1/6/81~~ *EEB 5/17/96*

Docket No:

~~Title: Surgical Power Tool~~
~~Country: US~~ ~~Serial No.~~ ~~Filing Date~~ ~~Patent No. 4,289,131~~ ~~Issue Date 9/15/81~~ *EEB 5/17/96*

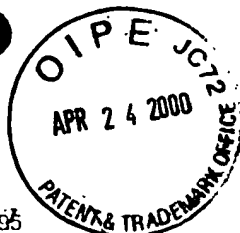
Docket No:

~~Title: Synthetic Polyester Surgical Articles~~
~~Country: US~~ ~~Serial No.~~ ~~Filing Date~~ ~~Patent No. 4,380,565~~ ~~Issue Date 11/17/81~~ *EEB 5/17/96*

Docket No:

~~Title: Synthetic Copolymer Surgical Articles and Method of Manufacturing the Same~~
~~Country: US~~ ~~Serial No.~~ ~~Filing Date~~ ~~Patent No. 4,429,880~~ ~~Issue Date 1/31/84~~ *EEB 5/17/96*

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Commissioner of Patents and Trademarks: Ple.

09-19-1997

ney Docket No.: 00167/001001



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D/S

1. Name of conveying party(ies):
Acufex Microsurgical, Inc.

2. Name and address of receiving party(ies):
Smith & Nephew, Inc.
160 Dascomb Road
Andover, MA 01810

Additional name(s) attached? Yes No

Additional names/addresses attached? Yes No

3. Nature of conveyance:
 Assignment
 Merger
 Security Agreement
 Change of Name
 Other:

Execution Date: November 26, 1996

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is:

A. Patent Application No.(s):

B. Patent No.(s):

29/048,825
29/048,824
08/365,651
08/509,966
08/326,989
08/722,737
08/722,739
08/479,240
08/643,855
29/067,417
08/541,394
08/552,815

5,505,736
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D360,687
D359,355
D360,688
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5,437,675
5,258,016
D367,324
5,258,015
4,433,687
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4,669,473
4,712,545
4,781,183
5,037,422
5,041,129
5,059,201
5,076,431
5,100,417
5,139,499
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5,152,790
5,163,940
5,180,388
5,192,287
5,224,946
5,236,445
5,269,809
5,364,400
5,366,477
5,374,269

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Date of Deposit August 29, 1997
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

PATENT
RE: 100538492 Smith & Nephew



5,423,819
 D288,361
 D289,437
 D276,649
 D286,567
 D286,438
 D289,330
 D332,141
 D330,591
 D331,464
 D331,463
 D332,492
 D331,626
 0356,154

Additional numbers attached? Yes No

5. Name/address of party to whom correspondence concerning document should be mailed:

Peter J. Devlin
 Fish & Richardson P.C.
 225 Franklin Street
 Boston, MA 02110-2804

6. Total number of applications/patents involved: 58

7. Total fee (37 CFR 3.41): \$2,320.00

- Enclosed
- Authorized to charge deposit account

8. Deposit account number: 06-1050

If the fee above is being charged to deposit account, a duplicate copy of this cover sheet is attached. Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.

DO NOT USE THIS SPACE

9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.*

Peter J. Devlin

Name of Person Signing

Signature

8/23/77
 Date

Total number of pages including cover sheet, attachments, and document: 8

Office of the Secretary of State

SEP 02 1997

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"ACUFEX MICROSURGICAL, INC.", A MASSACHUSETTS CORPORATION,
"SMITH & NEPHEW CASTING, INC.", A DELAWARE CORPORATION,
"SMITH & NEPHEW DONJOY, INC.", A CALIFORNIA CORPORATION,
"SMITH & NEPHEW ENDOSCOPY, INC.", A MASSACHUSETTS CORPORATION,

"SMITH & NEPHEW RICHARDS, INC.", A DELAWARE CORPORATION,
"SMITH & NEPHEW ROLYAN, INC.", A WISCONSIN CORPORATION,
"SMITH & NEPHEW UNITED, INC.", A DELAWARE CORPORATION,
WITH AND INTO "SMITH & NEPHEW, INC." UNDER THE NAME OF "SMITH & NEPHEW, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF NOVEMBER, A.D. 1996, AT 10 O'CLOCK A.M.



Edward J. Freel
Edward J. Freel, Secretary of State

0818055 8100M

AUTOMATICALLY

8288071

071915-24

DATE

PATIENT 01-16-97

REF: 8693 FRAME: 0263

CERTIFICATE OF OWNERSHIP AND MERGER
MERGING

SMITH & NEPHEW RICHARDS, INC.,
a Delaware corporation,

SMITH & NEPHEW ENDOSCOPY, INC.,
a Massachusetts corporation,

SMITH & NEPHEW DONJOY, INC.,
a California corporation,

SMITH & NEPHEW ROLYAN, INC.,
a Wisconsin corporation,

SMITH & NEPHEW UNITED, INC.,
a Delaware corporation,

ACUFEX MICROSURGICAL, INC.,
a Massachusetts corporation,

AND

SMITH & NEPHEW CASTING, INC.,
a Delaware corporation,

INTO

SMITH & NEPHEW, INC.,
a Delaware corporation

We, P. D. Southwick, the President and Ben Parrish
the Asst Secretary of SMITH & NEPHEW, INC., DO HEREBY CERTIFY

FIRST: That we are the President and the Asst Secretary
respectively, of this corporation.

SECOND: That this corporation was incorporated on the 6th day of November 1975,
and is existing pursuant to the General Corporation Law of the State of Delaware, the provisions
of which permit the merger of a subsidiary corporation of another state into a parent corporation
organized and existing under the laws of said state (including a merger in the manner provided by
Section 1110 of the California Corporations Code).

THIRD: That this corporation owns all of the outstanding shares of the stock of SMITH
& NEPHEW RICHARDS, INC. ("Richards"), a corporation incorporated on the 10th day of
April, 1968, pursuant to the General Corporation Law of the State of Delaware, the provisions of
which permit a merger in the manner provided by Section 1110 of the California Corporations
Code

FOURTH: That this corporation owns all of the outstanding shares of the stock of
SMITH & NEPHEW ENDOSCOPY, INC. ("Endoscopy"), a corporation incorporated on the

11th day of May, 1964, pursuant to the Business Corporation Law of the State of Massachusetts, the provisions of which permit a merger in the manner provided by Section 1110 of the California Corporations Code.

FIFTH: That this corporation owns all of the outstanding shares of the stock of SMITH & NEPHEW DONJOY, INC. ("DonJoy"), a corporation incorporated on the 28th day of December, 1982, pursuant to the Corporations Code of the State of California.

SIXTH: That this corporation owns all of the outstanding shares of the stock of SMITH & NEPHEW ROLYAN, INC. ("Rolyan"), a corporation incorporated on the 30th day of January, 1967, pursuant to the Business Corporation Law of the State of Wisconsin, the provisions of which permit a merger in the manner provided by Section 1110 of the California Corporations Code.

SEVENTH: That this corporation owns all of the outstanding shares of the stock of SMITH & NEPHEW UNITED, INC. ("United"), a corporation incorporated on the 14th day of April, 1986, pursuant to the General Corporation Law of the State of Delaware, the provisions of which permit a merger in the manner provided by Section 1110 of the California Corporations Code.

EIGHTH: That this corporation owns all of the outstanding shares of the stock of ACUFEX MICROSURGICAL, INC. ("Acufex"), a corporation incorporated on the 15th day of November, 1985, pursuant to the Business Corporation Law of the State of Massachusetts, the provisions of which permit a merger in the manner provided by Section 1110 of the California Corporations Code.

NINTH: That this corporation owns all of the outstanding shares of the stock of SMITH & NEPHEW CASTING, INC. ("Casting"), a corporation incorporated on the 5th day of June, 1996, pursuant to the General Corporation Law of the State of Delaware, the provisions of which permit a merger in the manner provided by Section 1110 of the California Corporations Code.

TENTH: That this corporation, by the following resolutions of its Board of Directors, duly adopted by the unanimous consent of its members, filed with the minutes of the Board on the 21st day of November, 1996, pursuant to Sections 141(f) and 253 of the General Corporation Law of the State of Delaware, as amended, determined to and, effective as of November 30, 1996, did merge into itself said Richards, Endoscopy, DonJoy, Rolyan, United, Acufex and Casting, and assumed all of their obligations

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, \$100 par value per share, of Smith & Nephew Richards, Inc., a Delaware corporation ("Richards Common Stock"), and such Richards Common Stock is the only issued and outstanding class of stock of Smith & Nephew Richards, Inc. ("Richards"),

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, \$1.00 par value per share, of Smith & Nephew Endoscopy, Inc., a Massachusetts corporation ("Endoscopy Common Stock"), and such Endoscopy Common Stock is the only issued and outstanding class of stock of Smith & Nephew Endoscopy, Inc. ("Endoscopy");

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, without par value, of Smith & Nephew DonJoy, Inc., a California corporation ("DonJoy Common Stock"), and such DonJoy Common Stock is the only issued and outstanding class of stock of Smith & Nephew DonJoy, Inc. ("DonJoy");

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, \$0.10 par value per share, of Smith & Nephew Rolyan, Inc., a Wisconsin corporation ("Rolyan Common Stock"), and such Rolyan Common Stock is the only issued and outstanding class of stock of Smith & Nephew Rolyan, Inc. ("Rolyan");

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, \$100 par value per share, of Smith & Nephew United, Inc., a Delaware corporation ("United Common Stock"), and such United Common Stock is the only issued and outstanding class of stock of Smith & Nephew United, Inc. ("United");

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, \$1.00 par value per share, of Acufex Microsurgical, Inc., a Massachusetts corporation ("Acufex Common Stock"), and such Acufex Common Stock is the only issued and outstanding class of stock of Acufex Microsurgical, Inc. ("Acufex");

WHEREAS, the Corporation is the legal and beneficial owner of all of the outstanding shares of Common Stock, without par value, of Smith & Nephew Casting, Inc., a Delaware corporation ("Casting Common Stock"), and such Casting Common Stock is the only issued and outstanding class of stock of Smith & Nephew Casting, Inc. ("Casting"); and

WHEREAS, this Board of Directors has reviewed the Plan of Merger attached to these minutes and determined that the merger of Richards, Endoscopy, DonJoy, Rolyan, United, Acufex and Casting (collectively, the "Named Subsidiaries") into the Corporation and the other transactions contemplated by the Plan of Merger are in the best interests of the Corporation

NOW, THEREFORE, BE IT RESOLVED, that this Board of Directors hereby approves and adopts the Plan of Merger, including all attachments thereto, pursuant to (i) Section 253 of the General Corporation Law of the State of Delaware, (ii) Section 82 of the Business Corporation Law of the State of Massachusetts, (iii) Section 1110 of the California Corporations Code and (iv) Section 180.1104 of the Business Corporation Law of the State of Wisconsin.

[THE EXHIBITS TO THE PLAN OF MERGER HAVE BEEN
INTENTIONALLY OMITTED FROM THIS CERTIFICATE]

FURTHER RESOLVED, that, effective as provided in the immediately succeeding resolution, the Corporation shall merge into itself the Named Subsidiaries and assume all of their obligations

FURTHER RESOLVED, that this Board of Directors hereby approves the merger of the Named Subsidiaries with and into the Corporation in accordance with the Plan of Merger, effective as of November 30, 1996, or such other date as shall be determined by the officers of the Corporation.

FURTHER RESOLVED, that the President or any other officer of the Corporation be and each hereby is authorized to make and execute (i) a Certificate of Ownership and Merger in the form attached as Exhibit E to the Plan of Merger and to cause the same to be filed with the Secretary of State of each of the States of Delaware and California, and (ii) Articles of Merger in the form attached as Exhibit G to the Plan of Merger and to cause the same to be filed with the Secretary of State of the State of Wisconsin, and to do all acts and things whatsoever, whether within or without the State of Delaware and the State of California, which may be in any way necessary or desirable to effect said merger and all other transactions contemplated by the Plan of Merger.

FURTHER RESOLVED, that the President or any Vice President and the Secretary or any Assistant Secretary of the Corporation be and each hereby is authorized to make and execute Articles of Merger in the form attached as Exhibit E to the Plan of Merger and to cause the same to be filed with the Secretary of State of the State of Massachusetts, and to do all acts and things whatsoever whether within or without the State of Delaware, which may be in any way necessary or desirable to effect said merger and all other transactions contemplated by the Plan of Merger.

FURTHER RESOLVED, that the Corporation, as the sole shareholder of each of the above-named subsidiaries, waives the mailing requirement imposed by Section 180.1104 of the Business Corporation Law of the State of Wisconsin.

FURTHER RESOLVED, that the officers of the Corporation and each of them, be, and they hereby are, authorized and directed to execute and deliver all certificates and other instruments and to do or cause to be done any and all acts and things as may be necessary or desirable to carry out the purposes of the foregoing resolutions.

ELEVENTH: This Certificate shall be effective as of November 30, 1996.

Each of the undersigned declares under penalty of perjury that the statements contained in the foregoing certificate are true of their own knowledge. Executed at Memphis, on this 26th day of November, 1996.

SMITH & NEPHEW, INC.

By

P. S. S. S.

Its

President

By

D. Parial

Its

Asst. Secretary

114245-02



[REV. 4Apr89/MB16-3]

Docket No. 31,534-02

PATENT

For: [X] U.S. and/or [X] Foreign Rights
For: [X] U.S. Application or [] U.S. Patent
For: [X] Inventor(s) or [] Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of good and valuable consideration, the receipt of which is hereby acknowledged,

ASSIGNOR:

(1) Full Name of Inventor: GENE PHILIP DiPOTO
Residence: 154 Bear Hill Road, Cumberland, RI 02864
Citizenship: U.S.A.

(2) Full Name of Inventor: JEFFREY C. CERIER
Residence: 11 Orchard Street, Franklin Massachusetts 02038
Citizenship: U.S.A.

(3) Full Name of Inventor: GERARD S. CARLOZZI
Residence: 79 Tilden Road, Weymouth, Massachusetts 02190
Citizenship: U.S.A.

(4) Full Name of Inventor: PAUL DiCARLO
Residence: 23 Sophie Lane, E. Falmouth, Massachusetts 02536
Citizenship: U.S.A.

(5) Full Name of Inventor: JAMES W. DWYER
Residence: 107 Obtuse Road So., Brookfield, CT 06804
Citizenship: U.S.A.

(6) Full Name of Inventor: ALAN ATTRIDGE SMALL
Residence: 131 Richdale Road, Needham, Massachusetts 02194
Citizenship: U.S.A.

REEL
6122
FRAME
0994

Docket No. 31,534-02

(if assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO, add the following):

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE: AMERICAN CYANAMID COMPANY
1937 WEST MAIN STREET, P. O. BOX 60
STAMFORD, CONNECTICUT 06904-0060

and the successors, assigns and legal representatives of the ASSIGNEE his entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

IMPROVED SUTURE ANCHOR AND DRIVER ASSEMBLY

REEL 6122
FRAME 0995

[check and complete (a), (b), (c) or (d)]

and which is found in

(a) [] U.S. patent application executed on even date herewith

(b) [] U.S. patent application executed on _____

(c) [x] U.S. application Serial No. 07/836,679 filed on February 14, 1992

(d) [] U.S. Patent No. _____ issued _____

(also check (e) if foreign application(s) is also being assigned)

(e) [] and any legal equivalent thereof in a foreign country, including the right to claim priority

and in and to all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR authorizes ASSIGNEE to make applications for and to receive Letters Patent for said invention in any of said countries in its own name, or in ASSIGNOR'S name, at its election.

ASSIGNOR covenants and agrees to execute or procure any further necessary assurance of the title to said invention and any Letters Patent which may issue therefor and to, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any interference, litigation or proceeding related thereto and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefor in ASSIGNEE, its successors, assigns or other legal representatives, and that to, at any time, upon the request and at the expense of ASSIGNEE execute any continuations, continuations-in-part, divisional, renewal or substitute thereof, and as to Letters Patent and reissue or re-examination thereof, or any other additional applications for Letters Patent for said invention or any part or parts thereof, all of which applications and any Letters Patent issuing thereon are hereby assigned to ASSIGNEE, and will make all rightful oaths or declarations, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

ASSIGNOR authorizes and requests the Commissioner of Patents to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid applications to said ACUFEX MICROSURGICAL, INC., as his ASSIGNEE.

REEL 6122
FRAME 0996

WITNESS my hand and seal this 4th day of May, 1992

Gene P. DiPoto L.S.
Gene Philip DiPoto

ACKNOWLEDGEMENT

State of MASSACUSETTS)
County of NORFOLK) ss:

On this 4th day of May, 1992, personally appeared before me GENE PHILIP DiPOTO, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Lisa A. McCann
Notary Public

exp. 12/13/96

WITNESS my hand and seal this 6th day of April, 1992

Jeffrey C. Cerier L.S.
Jeffrey C. Cerier

ACKNOWLEDGEMENT

State of MASSACUSETTS)
County of NORFOLK) ss:

On this 6th day of April, 1992, personally appeared before me JEFFREY C. CERIER, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Lisa A. McCann
Notary Public

exp. 12-13-96

REEL 6122
FRAME 0997

Docket No. 31,534-02

WITNESS my hand and seal this 7th day of April, 1992

Gerard S. Carlozzi L.S.
Gerard S. Carlozzi

ACKNOWLEDGEMENT

State of MASSACUSETTS)
County of NORFOLK) ss:

On this 7th day of April, 1992, personally appeared before me GERARD S. CARLOZZI, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Cherise A. Palmer
Notary Public
My commission expires May 20, 1994.

WITNESS my hand and seal this 5th day of MAY, 1992

Paul DiCarlo L.S.
Paul DiCarlo

ACKNOWLEDGEMENT

State of MASSACUSETTS)
County of NORFOLK) ss:

On this 5th day of May, 1992, personally appeared before me PAUL DICARLO, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Lina A. McCarr
Notary Public
exp. 12-13-96

REEL 6122
FRAME 0998

Docket No. 31,534-02

WITNESS my hand and seal this 6th day of April, 1992

Alan Attridge Small L.S.
Alan Attridge Small

ACKNOWLEDGEMENT

State of MASSACHUSETTS)
County of NORFOLK) ss:

On this 6th day of April, 1992, personally appeared before me ALAN ATTRIDGE SMALL, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Lisa A. McCann
Notary Public
exp. 12-13-96

WITNESS my hand and seal this 21st day of April, 1992

James W. Dwyer L.S.
James W. Dwyer

RECORDED
PATENT AND TRADEMARK
OFFICE

MAY 14 1992

ACKNOWLEDGEMENT

State of CONNECTICUT)
County of FAIRFIELD) ss:

On this 21st day of April, 1992, personally appeared before me JAMES W. DWYER, to me known, and known by me to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Blanche I. Parzuchowski
Notary Public
BLANCHE I. PARZUCHOWSKI
NOTARY PUBLIC

REEL 6122
FRAME 0999